

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A

Supreme Court

Case No. SC03-1171

JUDGE, NO. 02-487

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RESPONDENT'S RESPONSE TO
THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
FIRST REQUEST FOR PRODUCTION

Respondent, Judge Gregory P. Holder, through counsel, responds to the Florida Judicial Qualifications Commission's First Request For Production, as follows:

Definitions and Instructions

A. "Document" or "documents" means any papers or writings, including drafts, of every kind and description, whether handwritten, typed, drawn, sketched, printed or recorded by any physical, mechanical, electronic or computer-generated means whatsoever, or which may readily be printed by virtue of being stored on computer disks, computer harddrives, or any other method of storing data for use on a computer, in your possession, custody or control, wherever located, whether an original or a copy thereof. Any copy containing any alterations, notes, comments or other material not included on the originals or copies referred to in the preceding sentence shall be deemed a separate document within the foregoing definition.

B. If any documents requested were once in existence, but are either no longer in existence or have been lost, please state for each such document:

- (a) the type of document;
- (b) the date upon which it ceased to exist or was lost;
- (c) the circumstances under which it ceased to exist or was lost;
- (d) the identity of all persons having knowledge of the circumstances under which it ceased to exist or was lost; and
- (e) the identity of all persons having knowledge of the contents of such document.

C. If you withhold any documents covered by this request under claim of privilege or immunity, furnish a list identifying each document for which a privilege or immunity is claimed and specify the privilege or immunity claimed for each document. Also specify its date, author, subject matter, recipient, and the persons to whom copies of the document were furnished.

D. “You” and “your” means the respondent, Circuit Judge Gregory P. Holder, his employees, agents, and attorneys.

Documents Requested

1. Any and all copies of the paper you submitted to the Air War College in January 1998 to fulfill the writing assignment for Seminar No. 059B, or drafts or portions thereof in your possession, custody or control, including all copies stored on any computer in your possession, custody or control.

I possess no documents responsive to this request.

2. Any and all copies of correspondence or other written communications, including e-mails, or notes or memoranda of oral communications between you and anyone on behalf of the Air War College with respect to Air War College Seminar No. 059B, including the submission by you of the writing assignment.

I possess no documents responsive to this request.

3. Any and all copies of correspondence or other written communications, including e-mails, or notes or memoranda of oral communications between you and the United States Air Force regarding your status as Colonel in the United States Air Force Reserve or as a Judge Advocate.

In compliance with Air Force Instruction (“AFI”) 51-301, Civil Litigation, 1 July 2002, Chapter 9, and the Provisions of the Privacy Act as promulgated under AFI 33-332, Air Force Privacy Act Program 8 November 2000 control “releasing information in litigation, testifying, and serving on state and local juries,” I am unable to supply any responsive documents. The report of the

investigation and all correspondence from the Air Force as to my status and regarding any pending actions against me are official Air Force records, subject to AFI 51-301 as well as the Privacy Act. The investigation is ongoing and the information is being collected as part of an official investigation and is therefore official Air Force information. I do not serve as the release authority for any of the records requested by the Commission and have no authority to release them.

4. The complete investigative file of the Department of the Air Force into allegations of plagiarism and false official statements made by you in connection with the paper you submitted in partial fulfillment of an Air War College Non-Resident Program graduation requirement in January 1998, and any and all copies of correspondence or other written communications, including e-mails, or notes or memoranda of oral communications, other than correspondence with your attorneys, relating to the investigation.

I have been specifically ordered by the investigating officer not to release the contents of the investigation. I have been officially reminded that the report itself is marked "For Official Use Only." Information from my personnel records is covered by the Privacy Act.

In compliance with Air Force Instruction ("AFI") 51-301, Civil Litigation, 1 July 2002, Chapter 9, and the Provisions of the Privacy Act as promulgated under AFI 33-332, Air Force Privacy Act Program 8 November 2000 control "releasing information in litigation, testifying, and serving on state and local juries," I am without authority to supply any responsive documents. The report

of the investigation and all correspondence from the Air Force regarding any pending actions against me are official Air Force records, subject to AFI 51-301 as well as the Privacy Act. The investigation is ongoing and the information is being collected as part of an official investigation and is therefore official Air Force information. I am not the release authority for any of the records requested by the Commission and I am without authority to release the report of the investigation.

5. Any and all copies of all statements and transcripts of statements of witnesses whose testimony you expect to offer at the hearing on the Order to Show Cause or the hearing before the Hearing Panel, including affidavits, declarations and recordings which are relevant to the Formal Charges in this proceeding.

Attached hereto are:

Letter of Kenneth M. Ambler, Major, USAFR and State Representative (Fla.), August 27, 2003
Affidavit of Patricia Anderson, Esq., August 17, 2003
Averment of Major Christine R. Bosou, USAFR
Affidavit of James J. Cusak, Esq., June 20, 2003
Affidavit of Clifton C. Curry, Jr. Esq., June 26, 2003
Affidavit of Col. Howard L. Donaldson, USAF (Ret.), June 3, 2003
Affidavit of Gregory P. Holder, June 25, 2003
Affidavit of Lt. Col. Charles A. Howard, USAF, June 9, 2003
Affidavit of Lt. Col. William O. Howe, Jr., ASAF, August 20, 2003
Affidavit of Sylvia Morgan, August 19, 2003
Affidavit of Sylvia Morgan, June 26, 2003
Affidavit of Lt. Col. Dixie A. Morrow, USAFR, June 4, 2003
Affidavit of Michael S. Musial, September 2, 2003
Affidavit of Lorraine Nasco, August 31, 2003
Affidavit of Lorraine Nasco, April 3, 2003
Affidavit of Colonel John S. Odom, Jr., USAFR, June 4, 2003

Affidavit of Blair M. Payne, Esq., August 25, 2003
Affidavit of Colonel Mary V. Perry, USAF, May 28, 2003
Affidavit of John F. Rudy, II, Esq., August 18, 2003
Affidavit of James C. Russick, Esq., August 5, 2003
Averment of Colonel Glenn L. Spitzer, USAFR, April 19, 2003
Affidavit of Detective Dolvin "Bill" Todd, Jr., August 18, 2003
Affidavit of Honorable Daryl E. Trawick, (Lt. Col. USAFR) June 4,
Affidavit of John S. Vento, Esq., August 5, 2003
Affidavit of Sharon Morgan Vollrath, Esq., June 6, 2003

Respectfully submitted,

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-and-

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Attorneys for Defendant

I certify that on September 12, 2003, Respondent's Response to the Florida Judicial Qualifications Commission's Request For Production was served on September 12, 2003, by facsimile and United States Mail on: JQC Special Counsel, Charles P. Pillans, III, Esq., Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202; and to JQC General Counsel, Thomas C. MacDonald, Jr., 1904 Holly Lane, Tampa, FL 33629. The original Response and responsive documents, together with a diskette containing the Response in Word Perfect format, 14 point New Times Roman font has been sent by for filing to Thomas D. Hall, Clerk of the Court, Florida Supreme Court, 500 S. Duval Street, Tallahassee FL 32399-1927.

Attorney